

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

BIAGIO RAVO and ENRICO NICOLO)	
)	
Plaintiffs)	
)	
v.)	Civil Action No. 04-0617
)	
ETHICON ENDO-SURGERY, INC.)	
a Johnson & Johnson Company,)	Jury Trial Demanded
)	
Defendant)	
)	

PLAINTIFFS' WITHDRAWAL OF MOTION FOR SUMMARY JUDGMENT

Plaintiffs, Biago Ravo, M.D. and Enrico Nicolo, M.D., have entered into an agreement with the Defendant to resolve the claims in this action with certain conditions to be completed on or before October 23, 2006. In the interim, Plaintiffs hereby withdraw their pending motion for summary judgment without prejudice to the right to re-file the motion should the agreement to resolve this matter fail to be completed.

Dated: September 27, 2006

Respectfully submitted,

COHEN & GRIGSBY, P.C.

By: /s/ Daniel M. Darragh

Daniel M. Darragh

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Enrico Nicolo*

SO ORDERED this 28th day of Sept, 2006.

Suzetta G. Andrase

United States District Court Judge